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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HURRICANE ELECTRIC LLC,

Plaintiffs,

v.

MILLENNIUM FUNDING, INC., et al.

Defendants.

Case No.: 2:20-cv-01034-JCM-DJA

**STIPULATION TO EXTEND
DEFENDANTS' DEADLINE TO ANSWER
AND/OR RESPOND TO COMPLAINT**

(SECOND REQUEST)

Whereas, HURRICANE ELECTRIC, LLC ("Plaintiff"), through its counsel Neil D. Greenstein and Joshua M. Dickey, and MILLENNIUM FUNDING, INC.; BODYGUARD PRODUCTIONS, INC.; UN4 PRODUCTIONS, INC.; HOMEFRONT PRODUCTIONS, INC.; MILLENNIUM MEDIA, INC.; CRIMINAL PRODUCTIONS, INC.; CLEAR SKIES NEVADA, LLC; HUNTER KILLER PRODUCTIONS, INC.; LHF PRODUCTIONS, INC.; RAMBO V PRODUCTIONS, INC.; FALLEN PRODUCTIONS, INC.; WICKED NEVADA, LLC; 211 PRODUCTIONS, INC.; FATHERS & DAUGHTERS NEVADA, LLC; VOLTAGE DEVELOPMENT NCCF, LLC; HB PRODUCTIONS, INC.; STATUS UPDATE, LLC; STOIC

1 PRODUCTIONS, INC.; COBBLER NEVADA, LLC; SURVIVOR PRODUCTIONS, INC.;
 2 TREVOR SHORT; and AVI LERNER (“Defendants”), through their counsel Kerry S. Culpepper
 3 and F. Christopher Austin, have agreed that Defendants may have an additional 30 day extension to
 4 file their Answers and/or Responsive Motions to the Complaint. Counsel for the Defendants also
 5 agreed to allow Plaintiff a similar extension should that be needed to respond to any counterclaims.
 6 Plaintiff and the Defendants are referred to collectively as “Parties”.

7 Whereas, the Court entered the First Stipulation to Extend Defendants’ Deadline to Answer
 8 and/or Respond to Complaint [Doc. #20]. The First Stipulation granted Defendants up until October
 9 2, 2020 to respond to the Complaint.

10 Whereas, Plaintiff and affiliates of Defendants are engaged in litigation in Northern District
 11 of California in the case entitled *Hurricane Electric, LLC vs. Dallas Buyers Club, LLC et al.*, 3:20-
 12 CV-3813-CRB (“co-pending action”).

13 Whereas, Plaintiff’s insurer has refused to defend this action and the co-pending action and
 14 has refused to participate in a settlement conference with the assigned Magistrate Judge for the co-
 15 pending action.

16 Whereas, Plaintiff has filed a lawsuit against its insurer National Fire Insurance Company
 17 of Hartford, Inc. (“NFI”) in the Northern District of California in the case entitled *Hurricane*
 18 *Electric, LLC vs. National Fire Insurance Company of Hartford*, 3:20-cv-05840-CRB.

19 The Northern District of California has ordered that the above two cases be treated as related
 20 cases. See RELATED CASE ORDER, *Hurricane Electric, LLC vs. Dallas Buyers Club, LLC et*
 21 *al.*, 3:20-CV-3813-CRB, Doc. #36.

22 Whereas, the Parties are discussing a possible stipulated transfer of this action to the N.D.
 23 California for consolidation, but the Parties are still working through some issues;

24 Whereas, the Parties request a second extension of time for Defendants to answer or
 25 otherwise respond to the Complaint so that Plaintiff can seek to convince its insurer to attend and
 26 participate in the settlement conference in the co-pending action.

27 Whereas, there has been one previous extension of time to respond to the complaint in this
 28 action.

1 IT IS HEREBY STIPULATED AND AGREED by the Parties that:

- 2 1. The deadline for all Defendants in this action to file their Answers and/or Responsive
3 Motions to the Complaint shall be extended to November 2, 2020 (November 1 being a
4 Sunday);
- 5 2. The deadline for the conference required by Fed. R. Civ. P. 26(f) set by LR 26-1 shall
6 be thirty (30) days after the deadline for filing the Answers and/or Responsive Motions,
7 namely, December 1, 2020; and
- 8 3. The discovery plan and scheduling order shall be submitted in accordance with Local
9 Rule 26-1.

10 Dated this 29th day of September, 2020.

Dated this 29th day of September, 2020.

11 **WEIDE & MILLER, LTD.**

BAILEY ♦ KENNEDY

12
13 By: /s/ F. Christopher Austin
14 F. CHRISTOPHER AUSTIN
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By: /s/ Joshua M. Dickey
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19 *Attorneys for Defendants*

Attorneys for Plaintiff
Hurricane Electric LLC

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21 **IT IS SO ORDERED.**

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25 DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

26 DATED: September 30, 2020